

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

TIMOTHY TOWNSEND,

Plaintiff,

v.

No. CV 09–0743 WJ/LAM

**MICHAEL J. ASTRUE,
Commissioner of Social Security
Administration,**

Defendant.

**ORDER GRANTING AMENDED MOTION TO PROCEED
IN FORMA PAUPERIS AND DIRECTING SERVICE**

THIS MATTER is before the Court on Plaintiff’s *Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 6) (hereinafter “*Motion*”), filed on July 31, 2009, and his *Amended Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 8) (hereinafter “*Amended Motion*”), filed on August 27, 2009, wherein Plaintiff provides supplemental information about his financial status. In Plaintiff’s *Motion* (Doc. 6), Plaintiff states that his total monthly net income is “N/A” (*id.* at 2), and that his total monthly payments are “\$0.00” (*id.* at 3). In his *Amended Motion* (Doc. 8), filed on August 27, 2009, Plaintiff provides addition information about his income and debts, and states that his total monthly net income is “\$471” (*id.* at 2), and that his total monthly payments are “\$796” (*id.* at 3). In addition, in his *Motion* (Doc. 6), Plaintiff states that he has cash in the bank, but does not state how much (*id.* at 3), while in his *Amended Motion* (Doc. 8), he states that he does not have cash in the bank (*id.* at 3).

Because Plaintiff's *Amended Motion* (Doc. 8) provides information that is necessary for the Court to determine Plaintiff's financial status, and Plaintiff's *Motion* (Doc. 6) is deficient because it does not contain that information, the Court **FINDS** that Plaintiff's *Amended Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 8) is well-taken and should be **GRANTED**, and his *Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 6) should be **DENIED**.

IT IS THEREFORE ORDERED that Plaintiff's *Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 6) is **DENIED**;

IT IS FURTHER ORDERED that Plaintiff's *Amended Motion to Proceed in Forma Pauperis With Financial Affidavit Pursuant to 28 U.S.C. § 1915* (Doc. 8) is **GRANTED**, and Plaintiff is authorized to proceed in this action without prepayment of fees or security therefor pursuant to 28 U.S.C. § 1915.

IT IS FURTHER ORDERED that the United States Marshal shall serve a copy of the summons and the amended complaint in this action on the United States Attorney for the District of New Mexico, the Attorney General of the United States, and the Commissioner of Social Security.

IT IS SO ORDERED.



LOURDES A. MARTÍNEZ
UNITED STATES MAGISTRATE JUDGE